

# Calendar No. 829

91ST CONGRESS }  
*2d Session*

SENATE

{ REPORT  
No. 91-822

## WILLIAM PATRICK MAGEE

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APRIL 30, 1970.—Ordered to be printed

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Mr. EASTLAND, from the Committee on the Judiciary,  
submitted the following

### REPORT

[To accompany H.R. 9001]

The Committee on the Judiciary, to which was referred the bill (H.R. 9001) for the relief of William Patrick Magee, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a crime involving moral turpitude in behalf of the son of a citizen of the United States.

#### STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native of Scotland and citizen of Great Britain who is employed as a technician by the University of Glasgow. He was refused a visa because of a conviction in 1963 for having a device for forging a banknote and for forging two Scottish banknotes and was placed on probation for 3 years. His father is deceased and his mother is now a U.S. citizen married to a citizen. Two of his brothers reside in England and two have been admitted to the United States for permanent residence, one of whom has been honorably discharged from the U.S. Air Force, and the other who is in the U.S. Marine Corps.

A letter, with attached memorandum, dated November 30, 1967, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H.R. 12150, which was a similar bill pending in the 90th Congress, reads as follows:

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D.C., November 30, 1967.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 12150) for the relief of William Patrick Magee, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, or acts which constitute the essential elements thereof, and would authorize the issuance of a visa and the beneficiary's admission for permanent residence if he is otherwise admissible under that act. The bill limits the exemption granted the beneficiary to grounds for exclusion known to the Department of State or the Department of Justice prior to its enactment.

The beneficiary is chargeable to the total number of natives of Great Britain and Northern Ireland who may be admitted as immigrants and conditional entrants.

Sincerely,

RAYMOND F. FARRELL,  
*Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE H.R. 12150

Information concerning the beneficiary was obtained from his mother, Barbara Kiddie Golembeski.

The beneficiary, William Patrick Magee, a native of Scotland and citizen of Great Britain, was born on June 20, 1942. His father is deceased and his mother resides in the United States. He holds a degree of bachelor of science in biology and is employed in Scotland as a senior laboratory assistant by the University of Glasgow. He is single and has four brothers, two of whom reside in Scotland and the others in the United States.

The beneficiary has never been in the United States. A visa petition submitted by his mother on May 12, 1967, to accord him second preference immigrant status, was approved on May 16, 1967. However, the visa petition was returned by the U.S. Embassy, London, England, on May 26, 1967, with the information that a visa had been refused the beneficiary on

April 8, 1964, because of inadmissibility under section 212 (a) (9) of the Immigration and Nationality Act. His mother stated that the beneficiary was convicted in 1963, of making photographs of British currency and was placed on probation for 3 years.

Barbara Kiddie Golembeski, mother of the beneficiary, is a native of Scotland and citizen of Great Britain, who was born on July 20, 1917. Her maiden name was Henderson. In 1940, she married William Patrick Magee, a native of Ireland, who died in 1958. Her five sons were born of the marriage. Mrs. Golembeski was admitted to the United States as a permanent resident on October 16, 1962. Two of her sons, one of whom is presently serving in the U.S. Air Force, were admitted to this country for permanent residence on December 22, 1963. On July 20, 1963, she married Joseph Golembeski, a native and citizen of the United States, who was born on March 25, 1917. She resides with her husband in Norwich, Conn., where she is employed as a secretary with an automobile sales agency at a salary of \$80 per week. She and her husband are the owners of a home valued at \$14,000, on which there is a mortgage of \$12,000.

In addition, a letter dated April 29, 1969, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the instant bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D.C., April 29, 1969.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This refers to H.R. 9001 in behalf of William Patrick Magee, who was also the beneficiary of H.R. 12150, 90th Congress.

Barbara Golembeski, mother of the beneficiary, has become a citizen of the United States by naturalization. Her son, John Magee, completed his service with the U.S. Air Force and her son, Gerard Magee, is now serving with the U.S. Marines.

Sincerely,

RAYMOND F. FARRELL,  
*Commissioner.*

The Department of State, under date of May 8, 1968, submitted the following report on a bill then pending for the same person.

DEPARTMENT OF STATE,  
Washington, D.C., May 8, 1968.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of William Patrick Magee, beneficiary of H.R. 12150,

90th Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Embassy at London, England, in whose consular jurisdiction the beneficiary resides.

The bill would provide for visa issuance and the beneficiary's admission into the United States for permanent residence notwithstanding his ineligibility as an alien who has been convicted of a crime involving moral turpitude, if he is otherwise admissible under the Immigration and Nationality Act. The exemption granted is limited to a ground for exclusion known to the Department of State or the Department of Justice prior to enactment.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,  
*Assistant Secretary for Congressional Relations.*

SUBMITTED BY THE AMERICAN EMBASSY AT LONDON, ENGLAND

(Memorandum of Information Concerning H.R. 12150, 90th Congress, for the Relief of William Patrick Magee)

William Patrick Magee was born on June 20, 1942, at Glasgow, Scotland. He is single and presently residing at Glasgow, Scotland. The beneficiary's mother and two brothers are residing in Norwich, Conn., and he has two brothers residing in the United Kingdom.

The beneficiary completed high school and attended a college of technology for 3 years. Since March 1960 he has been employed by various institutions as a technician, his present employment being with the botony department of the University of Glasgow.

On April 8, 1964, the beneficiary was found ineligible to receive a visa by the U.S. Consulate at Glasgow, Scotland, under the provisions of section 212(a) (9) of the Immigration and Nationality Act, due to his conviction by the court of the Sheriffdom of Lanark, Glasgow, for the violation of The Bank Notes Forgery Act, 1801. The beneficiary had been charged with having a device for forging a bank note and for forging two Scottish bank notes. He pleaded guilty to the charges and was placed on probation for 3 years. There are enclosed copies of the extract conviction.

The Embassy knows of no other grounds of disqualification. No medical examination has been conducted.

The beneficiary is chargeable to the foreign state limitation for Great Britain and Northern Ireland.

#### INDICTMENT—EXTRACT CONVICTION, SECOND DIET

In the court of the Sheriffdom of Lanark held at Glasgow on December 10, 1962.

Before Charles Hampton Johnston, Esquire, Queen's Counsel Sheriff Substitute of Lanarkshire.

Intram. William Patrick Magee, prisoner in the prison of Barlinnie, Glasgow.



Indicted at the instance of Her Majesty's Advocate of (1) a contravention of the Bank Note Forgery Act, 1801, section 2 (having by means of a photographic device, forged two Scottish bank notes). (2) Contravention of the Bank Notes Forgery Act, 1801, section 2 (having a device for forging a bank note), as particularly mentioned in the indictment raised thereanent; in respect that the panel pleaded guilty as libelled.

The court decerned and adjudged, and hereby decerns and adjudges; the said panel to be placed on probation for a period of 3 years from this date.

Extracted by me:

J. McCULLOCH,  
*Depute Sheriff Clerk of Lanarkshire.*

Congressman William L. St. Onge, the author of the bill, submitted the following statement in support of his bill:

#### STATEMENT

Mrs. Barbara K. Golembeski of Norwich, Conn., in my congressional district, first approached me in June 1964 regarding her son William Patrick Magee, who desires to immigrate to the United States. Attempts were first made to handle the matter administratively, but when this failed private bills were introduced: H.R. 12150 in the 90th Congress and H.R. 9001 in the 91st Congress.

William Patrick Magee is her son of a first marriage. The first husband, bearing the same name, died in 1958. She was admitted to the United States as a permanent resident on October 16, 1962, and subsequently brought two of her five sons to this country. On July 20, 1963 she married Joseph Golembeski, a U.S. citizen, and they reside in Norwich. She has since become a U.S. citizen. One of her sons, John Magee, volunteered for the U.S. Air Force and has been serving since January 1965.

Her son William Patrick Magee is a native of Scotland. He was born at Glasgow on June 20, 1942, and presently resides there. He has a degree of bachelor of science in biology and works as a senior laboratory assistant in the botany department of Glasgow University. In 1964 he was found ineligible for a U.S. visa under section 212(a)(9) of the Immigration and Nationality Act. This was based on his conviction by a court in Glasgow in 1963 for violation of the Bank Notes Forgery Act (1801). He was charged with forging several bank notes, pleaded guilty, and was placed on probation for 3 years.

In a statement by Mrs. Golembeski, she said that her son was in training at the time in the university's photography department and that he had "photographed and printed some paper money which he had in his pocket." She added that the university "would not have continued his employment if they had thought he was a criminal." Incidentally,

the total value of the bank notes he allegedly forged was \$28 in American money.

Attached are two character references about him from England.

Mr. Magee is most anxious to be reunited with his mother and she desires to have her son settle in the United States where she feels he can contribute as a scientist. I urge the committee to recommend approval of the bill and to give this young man an opportunity to prove himself in his chosen field of science and as a human being.

The letters referred to in Mr. St. Onge's statement read as follows:

UNIVERSITY OF STRATHCLYDE,  
ROSS HALL STUDENT RESIDENCE,  
*Glasgow, S.W. 2., May 5, 1969.*

MR. WILLIAM P. MAGEE

*To Whom It May Concern:*

I am very happy to be asked to vouch for Mr. Magee's personal character.

He has been living in this hall of residence since the start of the present academic session, and during this period I have been in fairly close contact with him myself and have also been able to observe his relations with his fellow-residents.

Mr. Magee has established himself as a well-respected member of the community here. I have found him totally honest and trustworthy and look forward to his continuing his stay into the next session. I know of nothing in his character or behaviour that would call for any adverse comment.

DAVID JAGO, *Warden.*

UNIVERSITY OF CAMBRIDGE,  
DEPARTMENT OF BOTANY,  
*Cambridge CB23EA, April 11, 1969.*

*To Whom It May Concern:*

Mr. William Magee worked for me in the Department of Botany at the University of Glasgow as an electron microscope technician for several years. During that time he worked consistently and well. He was strictly honest and reliable in every way. He is an intelligent man and I am very glad that he had the opportunity to enroll for a degree course at the University of Strathclyde. He has my warmest recommendations.

P. W. BRIAN.

Mr. St. Onge also submitted the following statement from the beneficiary concerning the circumstances of this case:

UNIVERSITY OF GLASGOW, DEPARTMENT OF BOTANY

Shortly after leaving school I started work in the institute of physiology as junior technician. In due course and in

keeping with the mode of training I was moved to the Department's photographic section where I was introduced to the various techniques, one of these being Reflex copying. While practicing this process one afternoon in January 1962, prior to doing a large batch of work for a Dr. Dumin, I innocently used the contents of my wallet, which was the only material on hand, and contained among other things several banknotes. It was almost a year later when I was charged for copying the notes without permission of the bank. Later I learned that a younger brother had found the copies at home and given them to a pal and the police traced me through him. I was at no time accused of attempting to utter them. Although I had no evil intent in making the copies I was told that I could not plead ignorance of the law.

Mr. Tom Gorrie, being the institute's chief technician, was personally concerned with the case and knowing the circumstances is only too willing to vouch for my innocence. Similarly Dr. Peacock the director of the research department in which I worked before and after the trial. Despite the conviction arising from the events while working in the University of Glasgow I am once again working there in the botany department. If you require to correspond further with my referees they are only too willing to help me and won't be offended.

Sincerely yours,

WM. MAGEE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 9001) should be enacted.

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